

REMARKS/ARGUMENTS

This communication is responsive to the Office Action mailed January 26, 2005.

While the Box 2a) on the Office Action Summary is checked to indicate "This Action is FINAL," Applicant believes that Box 2) was checked in error. In particular, the Examiner has advanced a new ground of amendment not necessitated by Applicant's amendments. (No amendments were made.) In addition, the "File History" on PAIR indicates a "Non-Final Rejection" mailed on January 26, 2005.

In the Office Action, the obviousness rejection using Sabelhaus and Menzies has been withdrawn, in favor of an obviousness rejection based on Sabelhaus alone. Applicant has amended the claims to clarify the subject matter recited therein, and it is respectfully submitted that Ssabelhaus does not render the subject matter obvious.

Before addressing the claim language directly, Applicant directs the Examiner's attention to an Exhibit attached to this Office Action. It is believed that this Exhibit is a useful aid for understanding the contrast between what is claimed and what is disclosed by Sabelhaus (at least as interpreted by the Examiner).

The top portion of the Exhibit summarizes Applicant's understanding of the Examiner's interpretation of the Sabelhaus disclosure relied upon by the Examiner. In particular, Sabelhaus discloses a single repository and associated API (a "repository API," using the Examiner's words). A plurality of object managers communicate with the single repository via the associated API. See, for example, Figure 1 of Sabelhaus relied upon by the Examiner.

By contrast, the bottom portion of the Exhibit is a distillation of the subject matter of Applicant's independent claims. (Of course, the scope of the independent claims is governed by the language of the claims and not by Applicant's distillation in the Exhibit.) As shown in the bottom portion of the Exhibit, Applicant's claim 1 recites a plurality of repositories. An object manager communicates with a selected one of the repositories via an API associated with the object manager. See, for example, Fig. 2A and Fig. 2B of Applicant's specification.

Thus, while the Sabelhaus API provides the plural object managers with a programming interface to the single repository (in the protocol of the repository), Applicant's API provides the object manager with a programming interface to a plurality of repositories, in the various protocols employed by those plural repositories.

Turning now to the claim language, it is respectfully submitted that Sabelhaus does not disclose, for example, "a repository API associated with said CIM object manager" since the Sabelhaus API is associated with the repository. As another examiner, Sabelhaus does not disclose "identifying a selected one of said CIM repositories and the communication protocol associated with that selected one of the plurality of CIM repositories" and "creating, by the repository API, a protocol-specific object having methods implemented using said communication protocol associated with that selected one of the plurality of CIM repositories." That is, since the Sabelhaus API is associated with the repository rather than with the object manager, there is no need to identify to the API the communication protocol associated with the repository. The API already knows the communication protocol associated with the repository since the API is part of the repository.

With regard to the secondary reference, the Ismael patent is relied upon only for its alleged disclosure of specific communication protocols, and the Examiner makes no allegation that Ismael makes up for the shortcomings of Sabelhaus.

Applicant appreciates the Examiner's specific response to Applicant's previous arguments and, specifically, the reference to Sabelhaus' Figure 4. Sabelhaus' Figure 4 describes the operation of the system illustrated in Figure 1, which Applicant has distinguished above from the subject matter of Applicant's amended claims.

CONCLUSION

For at least the reasons set forth above, Applicant thus respectfully requests that the rejections of the claims be withdrawn, and Applicant respectfully requests a Notice of Allowance for this application from the Examiner.

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at (650) 314-5324.

Respectfully submitted,

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